

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

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|--|---|---------------------------------|
| AUTOTECH TECHNOLOGIES LIMITED |) | |
| PARTNERSHIP, |) | |
| Plaintiff, |) | |
| v. |) | |
| AUTOMATIONDIRECT.COM, INC., |) | |
| TIMOTHY (<i>sic</i>)HOHMANN and KOYO |) | |
| ELECTRONICS INDUSTRIES CO., LTD., |) | |
| Defendants. |) | Civil Action No.: 1:05-cv-05488 |
| |) | Honorable James F. Holderman |
| |) | |
| AUTOMATIONDIRECT.COM, INC., |) | Magistrate Judge Cole |
| Plaintiff, |) | |
| v. |) | |
| AUTOTECH TECHNOLOGIES L.P., |) | |
| AVG ADVANCED TECHNOLOGIES, |) | |
| INC., SHALLI INDUSTRIES, INC., and |) | |
| SHALABH KUMAR, |) | |
| Defendants. |) | |

**AUTOMATIONDIRECT.COM'S MOTION FOR RULING ON ITS UNOPPOSED
MOTION FOR SUMMARY JUDGMENT**

AutomationDirect.com, Inc. ("ADC"), by and through its attorneys Alan R. Lipton and James Trigg, submit this Motion for Ruling on ADC's Unopposed Motion for Summary Judgment.

1. On November 28, 2006, ADC moved for summary judgment as to the trademark claims of all parties. (Dkt., 235). On December 5, 2006, the parties appeared before the Court to enter a briefing schedule on ADC's motion for summary judgment. At this court appearance, counsel for the Autotech Technologies, L.P., AVG Advanced Technologies, Inc., Shalli Industries, Inc., and Shalabh Kumar (collectively, "Autotech") stated that Autotech intended to file a cross-motion for summary judgment. At the

conclusion of the December 5, 2006 court appearance, the Court entered the following order:

On Automationdirect, Inc.'s motion for summary judgment as to the trademark claims of all parties and for entry of a permanent injunction 235, response and/or cross-motion for summary judgment due by 1/5/2007; reply/response due by 2/5/2007. Autotech Technologies, Ltd.'s reply in support of its cross motion for summary judgment is due by 2/20/2007. The Court to rule electronically.

(Dkt., 241).

2. The January 5, 2007 deadline for Autotech's response and cross-motion came and went and Autotech filed nothing with the Court. Nor did Autotech's counsel contact ADC's counsel requesting an extension or file papers with the Court requesting an amended briefing schedule before the close of business on January 5, 2007.

3. On January 8, 2007, counsel for Autotech asked counsel for ADC for an additional fourteen (14) days to file Autotech's response and cross-motion for summary judgment. As evidenced by the email attached as Exhibit 1, ADC agreed to this request, asking Autotech to submit a stipulation and order to the Court requesting entry of the modified briefing schedule.

Cary,

Pursuant to your request at the conclusion of today's [hearing] before Judge Cole, we have no objection to entering a stipulation to extend by 14 days the time for you to respond to the currently pending motion for summary judgment and to file a cross-motion. Obviously, all associated dates would also be extended by 14 days. Please prepare an appropriate stipulation and order for execution by Judge Holderman.

Best,
Alan

(Ex. 1). Autotech did not submit the stipulation or proposed order to the Court or file its response and cross motion by the January 22, 2007 deadline it sought.

4. On January 17, 2007, counsel for Autotech told counsel for ADC that Autotech intended to ask the Court for an additional 7 days to file its response and cross motion for summary judgment. Since then, Autotech has not moved for an extension and has not filed its response or cross motion for summary judgment.

5. The time has come and gone for Autotech to file its response to ADC's motion for summary judgment. Autotech's failure to comply with the December 5, 2006 order or timely seek a modification of it warrants a ruling on the motion on an unopposed basis. Pursuant to the Court's December 5, 2006 order, ADC's reply in support of motion for summary judgment is due today, February 5, 2007. In light of Autotech's failure to file a response, ADC has not prepared a reply and requests the Court rule on the motion for summary judgment based on ADC's unopposed November 28, 2006 summary judgment submissions.

WHEREFORE, AutomationDirect.com respectfully requests the Court enter an order granting this motion and rule on ADC's unopposed motion for summary judgment.

Respectfully submitted,

AUTOMATIONDIRECT.COM

By: /s/ Alan R. Lipton
One of its attorneys

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CERTIFICATE OF SERVICE / NOTICE OF FILING

I hereby certify that on February 5, 2007, I electronically filed **DEFENDANT AUTOMATIONDIRECT.COM'S MOTION FOR RULING ON ITS UNOPPOSED MOTION FOR SUMMARY JUDGMENT** with the Clerk of the U.S. District Court for the Northern District of Illinois, Eastern Division, using the CM/ECF system which will send notification of such filing(s) to the following:

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|--|--|

/s/ Barry Francis Mac Entee.
One of ADC's attorneys